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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

8

9 Noor Ahmad,) No. CV 11-0084-PHX-GMS (DKD)

10 Petitioner,) **ORDER**

11 vs.)

12)

13 Katrina Kane,)

14 Respondent.)

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16 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus and

17 United States Magistrate Judge David K. Duncan's Report and Recommendation ("R&R").

18 Docs. 1, 9. The R&R recommends that the Court deny as moot the Petition. Doc. 9 at 1.

19 The Magistrate Judge advised the parties that they had ten days to file objections to the R&R

20 and that failure to file timely objections could be considered a waiver of the right to obtain

21 review of the R&R. *Id.* at 1-2, (citing 28 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal

22 Rules of Civil Procedure; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.

23 2003)).

24 The parties did not file objections, which relieves the Court of its obligation to review

25 the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985)

26 ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the

27 subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de

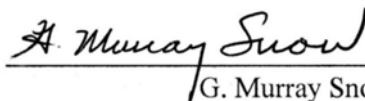
28 novo any part of the magistrate judge's disposition that has been properly objected to."). The

1 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
2 accept the R&R and deny the Petition as moot. *See* 28 U.S.C. § 636(b)(1) (stating that the
3 district court “may accept, reject, or modify, in whole or in part, the findings or
4 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may
5 accept, reject, or modify the recommended disposition; receive further evidence; or return
6 the matter to the magistrate judge with instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Duncan’s R&R (Doc. 9) is **ACCEPTED**.
9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED AS**
10 **MOOT**.
11 3. The Clerk of Court shall **terminate** this action.
12 4. The docket shall reflect that the Court certifies, pursuant to 28 U.S.C.
13 § 1915(a)(3) and Federal Rules of Appellate Procedure 24(a)(3)(A), that any appeal of this
14 decision would not be taken in good faith.

15 DATED this 30th day of June, 2011.

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18 G. Murray Snow
19 United States District Judge
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